Introduced by Council Member Freeman:

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CHAPTER 30 - PLANNING AND DEVELOPMENT DEPARTMENT

## ORDINANCE 2023-315

AN ORDINANCE AMENDING SECTION 30.204 (FUNCTIONS), PART 2 (PLANNING COMMISSION), CHAPTER 30 (PLANNING AND DEVELOPMENT DEPARTMENT), ORDINANCE CODE, AND SECTIONS 656.131 (ZONING EXCEPTIONS) AND 656.137 (NOTICE OF PUBLIC HEARING AND PUBLIC MEETINGS FOR REZONINGS), SUBPART D (ZONING EXCEPTIONS, VARIANCES AND WAIVERS, AMENDMENTS TO FINAL ORDER, APPEALS OF WRITTEN INTERPRETATIONS OF THE DIRECTOR AND APPEALS OF FINAL ORDERS OF THE COMMISSION), PART 1 (GENERAL PROVISIONS), CHAPTER 656 (ZONING CODE), ORDINANCE CODE, TO DESIGNATE THE CITY COUNCIL AS THE QUASI-JUDICIAL BODY THAT APPROVES, APPROVES WITH CONDITIONS, OR DENIES ZONING EXCEPTIONS FOR ALCOHOL RELATED USES; PROVIDING CODIFICATION INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Amending Section 30.204 (Functions), Part 2 (Planning Commission), Chapter 30 (Planning and Development Department), Ordinance Code. Section 30.204 (Functions), Part 2 (Planning Commission), Chapter 30 (Planning and Development Department), Ordinance Code, is hereby amended to read as follows:

PART 2. - PLANNING COMMISSION

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Sec. 30.204. - Functions.

The Commission shall:

(a) Review proposed land use changes, text changes to the Comprehensive Plan, requests for exceptions (except alcoholrelated exceptions which shall be heard by the City Council), variances, waivers to the Zoning Code, and rezonings (except those pertaining to properties located within the Downtown Overlay Zone, as defined in Section 656.361.2), appeals from written orders granting or denying an administrative deviation and written interpretations of the Zoning Code and final orders of the Cell Tower Review Committee and other matters related to land use and area planning which are referred to the Department or to the Commission pursuant to law. For rezonings within the Downtown Overlay that have a companion Future Land Use Map amendment, both the Commission and the Downtown Development Review Board shall review and make recommendations to the City Council and the DIA, as the case may be.

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Section 2. Amending Section 656.131 (Zoning exceptions) and Section 656.137 (Notice of Public Hearing and public meetings for rezonings), Subpart D (Zoning Exceptions, Variances and Waivers, Amendments to Final Order, Appeals of Written Interpretations of the Director and Appeals of Final Orders of the Commission), Part 1 (General Provisions), Chapter 656 (Zoning Code), Ordinance Code. Section 656.131 (Zoning exceptions), Subpart D (Zoning Exceptions, Variances and Waivers, Amendments to Final Order, Appeals of Written Interpretations of the Director and Appeals of Final Orders of the Commission), Part 1 (General Provisions), Chapter 656 (Zoning Code), Ordinance Code, are hereby amended to read as follows:

Chapter 656 - ZONING CODE

## PART 1. - GENERAL PROVISIONS

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SUBPART ZONING EXCEPTIONS, VARIANCES AND WAIVERS, AMENDMENTS TO FINAL ORDER, APPEALS OF WRITTEN INTERPRETATIONS OF THE DIRECTOR AND APPEALS OF FINAL ORDERS OF THE COMMISSION Sec. 656.131. - Zoning exceptions.

- A proposal for a zoning exception may be initiated only upon an application for zoning exception filed with the Department by the owner or his authorized agent. An application for a zoning exception under the Zoning Code shall be in writing and in the form prescribed by the Department<del>Commission</del>. Information required on the application may include, for example, the name and address of the owner and the agent, the property address and location, and a legal description and real estate assessment number(s). Other information may include the current zoning of the property, the exception being sought, a list of owners of property within 350 feet, identification of any previous zoning applications for the property during the preceding five years and statements indicating how the standards and criteria for exceptions which are set forth herein will be met. An application shall be accompanied by a site plan drawn to an appropriate scale showing the property as it is intended to be developed or modified pursuant to the application for exception. The site plan must show the following:
  - (i) Property dimensions;
  - (ii) Buildings and dimensions;
  - Parking spaces and dimensions, including handicapped and (iii) car pool spaces;
  - (iv) Loading and unloading area, if applicable, with turn around and dimensions;
  - (V) Landscaped areas and dimensions;

(vi) Ingress and egress (driveways, alleys and easements);

(vii) Adjacent streets and right-of-way;

(viii) North arrow and graphic scale;

(ix) Signage (if any);

(x) Buildings setbacks and buffer (including dimensions);

(xi) Adjacent current property uses;

(xii) Adjacent zoning districts;

(xiii) Total land area; and

(xiv) Total building coverage area.

Additional items may be required, to the extent applicable, as required by any site review guidelines which may be promulgated by the Department from time to time. The site plan, as approved, shall be binding upon the exception, if granted. Upon receipt of the application, the Zoning Administrator shall determine whether the application is complete within five (5) working days. If it is determined that the application is not complete, written notice shall be provided to the applicant specifying the deficiencies. The Zoning Administrator shall take no further action on the application until the deficiencies are remedied. When the application is determined to be complete, all fees must be paid as specified in Section 656.147.

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(e) For purposes of this section, for alcohol-related zoning exceptions, all references to "Commission" shall mean the City Council. Alcohol-related zoning exception applications shall be considered by the City Council which shall apply the criteria set forth in Section 656.131(c) and the definition of exception.

The Department shall be responsible for making an advisory recommendation with respect to each application for an alcohol-related zoning exception. Public hearings for alcohol-related zoning exceptions shall be noticed in the same manner as required for rezonings set forth in Section 656.137.

1 Sec. 656.137. - Notice of Public Hearing and public meetings for 2 3 rezonings. 4 5 (g) For purposes of this section, for alcohol-related zoning 6 exceptions, all preceding references to "Commission" shall mean 7 the City Council. 8 Section 3. Codification Instructions. The Codifier and the 9 Office of General Counsel are authorized to make all chapter and division "table of contents" consistent with the changes set forth 10 herein. Such editorial changes and any other necessary to make the 11 12 Ordinance Code consistent with the intent of this legislation are approved and directed herein, and the changes to the Ordinance Code 13 14 shall be made forthwith and when inconsistencies are discovered. 15 Effective Date. This Ordinance shall become 16 effective upon signature by the Mayor or upon becoming effective 17 without the Mayor's signature. 18 19 Form Approved: 20 21

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/s/ Mary E. Staffopoulos

22 Office of General Counsel

Legislation Prepared By: Mary E. Staffopoulos

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